



General Assembly

Substitute Bill No. 149

February Session, 2012

* ____SB00149LAB__032012__ *

**AN ACT CONCERNING THE DENIAL OF UNEMPLOYMENT
COMPENSATION BENEFITS TO CERTAIN DRIVERS WHO ARE
UNEMPLOYED AS A RESULT OF A DRUG OR ALCOHOL TEST.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of subsection (c) of section 31-225a of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2012*):

4 (c) (1) (A) Any week for which the employer has compensated the
5 claimant in the form of wages in lieu of notice, dismissal payments or
6 any similar payment for loss of wages shall be considered a week of
7 employment for the purpose of determining employer chargeability.
8 (B) No benefits shall be charged to any employer who paid wages of
9 five hundred dollars or less to the claimant in his base period. (C) No
10 dependency allowance paid to a claimant shall be charged to any
11 employer. (D) In the event of a natural disaster declared by the
12 President of the United States, no benefits paid on the basis of total or
13 partial unemployment which is the result of physical damage to a
14 place of employment caused by severe weather conditions including,
15 but not limited to, hurricanes, snow storms, ice storms or flooding, or
16 fire except where caused by the employer, shall be charged to any
17 employer. (E) If the administrator finds that (i) an individual's most
18 recent separation from a base period employer occurred under
19 conditions which would result in disqualification by reason of

20 subdivision (2), (6) or (9) of subsection (a) of section 31-236, [or] (ii) an
21 individual was discharged for violating an employer's drug testing
22 policy, provided the policy has been adopted and applied consistent
23 with sections 31-51t to 31-51aa, inclusive, section 14-261b and any
24 applicable federal law, or (iii) an individual was discharged or
25 suspended because the individual has been disqualified under state or
26 federal law from performing the work for which such individual was
27 hired as a result of a suspension or revocation of such individual's
28 commercial driver's license or driver's license with a "V" or "F"
29 endorsement, unless the individual provides documentation from the
30 Department of Motor Vehicles or the United States Department of
31 Transportation indicating the reason for the suspension or denial of the
32 individual's license is based on any provision of 49 CFR 391.41 to 49
33 CFR 391.49, inclusive, no benefits paid thereafter to such individual
34 with respect to any week of unemployment which is based upon
35 wages paid by such employer with respect to employment prior to
36 such separation shall be charged to such employer's account, provided
37 such employer shall have filed a notice with the administrator within
38 the time allowed for appeal in section 31-241. (F) No base period
39 employer's account shall be charged with respect to benefits paid to a
40 claimant if such employer continues to employ such claimant at the
41 time the employer's account would otherwise have been charged to the
42 same extent that he employed him during the individual's base period,
43 provided the employer shall notify the administrator within the time
44 allowed for appeal in section 31-241. (G) If a claimant has failed to
45 accept suitable employment under the provisions of subdivision (1) of
46 subsection (a) of section 31-236 and the disqualification has been
47 imposed, the account of the employer who makes an offer of
48 employment to a claimant who was a former employee shall not be
49 charged with any benefit payments made to such claimant after such
50 initial offer of reemployment until such time as such claimant resumes
51 employment with such employer, provided such employer shall make
52 application therefor in a form acceptable to the administrator. The
53 administrator shall notify such employer whether or not his
54 application is granted. Any decision of the administrator denying

55 suspension of charges as herein provided may be appealed within the
 56 time allowed for appeal in section 31-241. (H) Fifty per cent of benefits
 57 paid to a claimant under the federal-state extended duration
 58 unemployment benefits program established by the federal
 59 Employment Security Act shall be charged to the experience accounts
 60 of the claimant's base period employers in the same manner as the
 61 regular benefits paid for such benefit year. (I) No base period
 62 employer's account shall be charged with respect to benefits paid to a
 63 claimant who voluntarily left suitable work with such employer (i) to
 64 care for a seriously ill spouse, parent or child or (ii) due to the
 65 discontinuance of the transportation used by the claimant to get to and
 66 from work, as provided in subparagraphs (A)(ii) and (A)(iii) of
 67 subdivision (2) of subsection (a) of section 31-236.

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| This act shall take effect as follows and shall amend the following sections: | | |
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| Section 1 | October 1, 2012 | 31-225a(c)(1) |
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LAB *Joint Favorable Subst.*